

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BLAIR C. QUINN,

Plaintiff,

ORDER

-against-

CV 11-4050 (JS) (ETB)

BOOMERS FAMILY FUN PARK;  
PALACE ENTERTAINMENT, INC. -  
FESTIVAL FUN PARKS, LLC,

Defendants.  
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The motion to dismiss dated November 14, 2012, although unopposed by plaintiff's counsel, is denied without prejudice to renewal, on the ground that it is too drastic at this time and would severely punish the client for the malfeasance of her attorney. Instead, plaintiff is directed to comply within ten (10) business days with the defendants' outstanding document requests and interrogatories that have been stonewalled by plaintiff's counsel since March 2012. The plaintiff has waived any right to object to these demands with the exception of any assertion of privilege.

The plaintiff is precluded from offering any evidence in support or opposition to any motion for summary judgment and from testifying at trial unless she submits to a deposition during the week of January 21, 2013 at a mutually agreed time at the place noticed by defendants' counsel. It is noted that plaintiff's counsel has similarly stonewalled this discovery device - the notice of deposition having been served in April 2012.

Based on the lack of any response to this motion, and the conduct of plaintiff's counsel, Kyle Norton, P.C., which stands unrebutted, the defendants are granted costs, including

reasonable attorney's fees, relating to this motion. Any such motion shall be filed within ten (10) business days. The plaintiff's attorney, Kyle Norton, will be assessed 100% of any costs awarded on any such motion and is afforded the opportunity to oppose the request within five (5) business days following the ECF filing of any motion.

Discovery completion for plaintiff remains at February 15, 2013. Discovery is extended, solely for the benefit of defendants, due to the conduct of plaintiff's attorney, to March 15, 2013. There will be no further extensions.

The conference scheduled for April 10, 2013 is rescheduled to May 22, 2013 at 10:00 a.m., by telephone. Plaintiff's counsel is directed to initiate the conference call and to have all parties on the line prior to connecting the court (631-712-5710). The call must be placed through the teleconference operator provided by your long-distance service.

**SO ORDERED:**

Dated: Central Islip, New York  
December 19, 2012

/s/ E. Thomas Boyle  
E. THOMAS BOYLE  
United States Magistrate Judge